

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:13-CV-061-RLV-DCK**

AGI ASSOCIATES, LLC,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
PROFILE AVIATION CENTER, INC., and the CITY OF HICKORY, NORTH CAROLINA,)	
)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on the “Limited Motion To Strike Pursuant To Rule 12(f) Of The Federal Rules Of Civil Procedure Filed By The City Of Hickory, North Carolina” (Document No. 18) filed September 3, 2013. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

It appears that the pending “...Motion To Strike...” fails to comply with the Local Rules of this Court. In particular, the motion does not indicate that Defendant has satisfied the requirement of consultation, and fails to include a brief in support. See Local Rules 7.1 (B) & (C). Moreover, it is unclear to the undersigned whether this motion is appropriate in light of Judge Voorhees’ recent order dismissing the claims Defendant now seeks to strike, or that the motion is timely pursuant to Fed.R.Civ.P. 12(f)(2). See (Document No. 15, p.11).

IT IS, THEREFORE, ORDERED that the “Limited Motion To Strike Pursuant To Rule 12(f) Of The Federal Rules Of Civil Procedure Filed By The City Of Hickory, North Carolina” (Document No. 18) is **DENIED WITHOUT PREJUDICE**.

SO ORDERED.

Signed: September 5, 2013

David C. Keesler
David C. Keesler
United States Magistrate Judge

